

***DAIL Advisory Board
June 12, 2014
Comfort Inn, Berlin***

Attendees:

Board Members: Peter Cobb, Jim Coutts, Nick McCardle, John Pierce, Diane Novak, Steve Pouliot, Harriet Goodwin, Nancy Lang, Nancy Breiden, Bill Ashe, Linda Berger, Beth Stern, Gini Milkey, Robert Borden, Janet Cramer

Guests: Marlys Waller, Jackie Majoros, Kristen Murphy

State Employees: Stuart Schurr, Lisa Parro, Bard Hill, Tara Grenier

The DAIL Advisory Board Meeting minutes from May were approved as written, with 2 abstentions.

Long Term Care (LTC) Ombudsman Program – Jackie Majoros

The Older Americans Act (OAA) created the Ombudsman program in the late 70's. The federal government put a lot of funding into nursing homes and wanted to ensure that the homes were giving good care so they created the Ombudsman Program to monitor the facilities and find out how the residents felt they were being treated. The OAA has two Federal Ombudsman positions. Each state that is funded by OAA has an Ombudsman program; however, the program is different in every state. In Vermont, the LTC Ombudsman program is housed in Vermont Legal Aid. Vermont's program is unique as it is a unified program, and it is looked at as a good model.

The LTC Ombudsman program is funded by the Older Americans Act (OAA), State general funds, and Medicaid State matched funds. The LTC Ombudsman program sends data reports to AOA, which includes information about whether the individual was happy with the complaint resolution. (See handouts) The National Association of LTC State Ombudsman Programs reviews the data and makes recommendations and addresses policy issues. Nationally, there is a lot of discussion about moving towards performance measures.

DAIL partially funds the Ombudsman program, and quarterly reports are sent to DAIL. This data is broken down to show the number of complaints for each facility and each AAA. If the Ombudsman program obtains permission from the individual, it will speak with the agency so the agency is aware of the complaint; however, this information is not shared publicly. Last year and this year, the highest number of complaints was for discharges/evictions.

The LTC Ombudsman has the authority to work on behalf of anyone 60 years old or over in a Medicaid or Medicare licensed facility. Over time this has expanded to residential care homes as well, with no increase in funding for the Ombudsman program. Vermont has always interpreted

the over age 60 very broadly. The Ombudsman program provides services in facilities and resolves problems or gives the individual tools to resolve the problem. The Ombudsman program works on any issues the individual is concerned about, not the issues the family may have. In addition to the direct service work, the Ombudsman staff work on systemic problems they may see in a facility and pass on best practices to facilities.

In 2005, Vermont implemented Choices for Care (CFC), in which individuals obtained care in the community. There was a lot of discussion and concerns about these vulnerable individuals needing the same services as those in nursing homes. Two additional full-time staff for the community was hired during this time.

Over time, the number of Ombudsman staff has decreased due to level funding; however, this legislative session, the LTC Ombudsman program received funding to cover the deficit in its program. Vermont Legal Aid has also used undesignated funds for the Ombudsman program.

Most facilities understand and appreciate the Ombudsman program and see the program as a resource; however, not all facilities understand the program.

Next year, the LTC Ombudsman Program would like to have a multi-disciplinary team do a review on fatalities. There is a sense that when somebody passes away in a facility, nobody takes the time to figure out why.

Jackie would like to know what type of information the DAIL Advisory Board would like about the program in the future and would like the Board to share any concerns or questions with her.

Commissioner's Updates:

Division updates

Developmental Disabilities Services Division (DDSD):

Melissa Bailey, former Director of Integrated Family Services (IFS), has left her position. Carol Maloney is the interim director until the position is filled.

Three public hearings have been held on the DS State System of Care Plan, and the final report is being drafted, which will be effective July 1st. It will be posted on the DAIL website when it has been finalized. Stuart will inquire about the availability of formal responses to the questions from the public hearings.

The final meeting of the DS Imagine the Future Taskforce is scheduled for June 23rd. At this meeting the Taskforce will hear from the workgroup that examined the DD Act and will give its input into its findings and recommendations for the vision of DS services 20 years from now.

DDSD will begin work over the summer to comply with H.728, An Act Relating to Developmental Services' System of Care, which requires certain categories of the plan to be adopted per the Administrative Procedures Act (APA). The categories include: 1) priorities for continuing existing programs or developing new programs; 2) criteria for receiving services or

funding; 3) the type of services provided; and 4) a process for evaluating and assessment the success of programs.

DDSD will also begin working this summer on H.555, An Act Relating to the Commitment of a Criminal Defendant who is Incompetent to Stand Trial Because of a Traumatic Brain Injury. The Legislature appropriated \$50,000 to create a program for individuals with TBIs who present a danger of harm to others and are incompetent to stand trial or found not guilty by reason of insanity. It is DAIL's responsibility to identify the needs, best practices, and to create a program. The first progress report to the Legislature is due in October. By April 30, 2015, DAIL must request from the Legislature approval and funding to implement the plan. If granted, DAIL must then commence implementation, which will take effect on July 1, 2017.

Adult Services Division (ASD):

Theresa Nelson has been hired as the Money Follows the Person (MFP) Quality Specialist; Leah Schultz has transitioned to the MFP Senior Planner and will be responsible for federal reports and Quality of Life Surveys; Kate Dempsey has been hired as the new Long Term Care Clinical Coordinator (LTCCC) in Chittenden County; and by June ASD hopes to hire a Nurse Case Manager whose work will include Hi-Tech.

A Moderate Needs (MNG) flex services training video was sent to the providers and training documents and forms have been posted to the DAIL website. Stuart will ask ASD to resend the training video as some of the providers at the meeting had not yet received it.

Division of Licensing and Protection (DLP):

DLP is losing a Nurse Surveyor, Mary Cullihan; and a new APS Investigator for Washington County, Kia Thrasher, has been hired and will begin work on 6/30/14.

Vocational Rehabilitation (VR)

VR will be assuming the responsibility for the Senior Community Service Employment Program (SCSEP) and will be recruiting to fill a position that will focus on the needs of the mature worker. The Workforce Subcommittee of the Governor's Commission on Successful Aging has been focused on the mature worker, and, after the Governor reviewed and approved the Commission's recommendations, the Commission met with VT Department of Labor (VDOL) and the Agency for Commerce and Community Development (ACCD) to begin implementing these recommendations. Through collaboration, the Commission hopes to explore the following: educating employers about the value of mature workers, addressing the concerns of employers and perceived barriers to employment, addressing training needs to bring individuals back into the workforce, and progressive employment opportunities. ACCD's marketing department has offered to take the lead (along with UVM's Center on Aging, VT Associates and other partners) in developing an Employer Recognition Program, which would recognize employers who implement mature worker best practices. The Commission will be reaching out to the VT Council on Rural Development about a broadband initiative, as well as tech centers and the Department of Libraries to explore opportunities to bridge the "digital divide."

A concern was raised about mature workers and worker's compensation that when an employee suffers an on-the-job injury, the facility is held responsible and will be considered a high risk for

4 years. This is not only expensive but presents a barrier to employment. Researching worker's compensation and age-based discrimination at the national level may be helpful.

Announcements:

The two-day Voices and Choices Conference was held on May 29th and 30th and was a great event. There were a number of workshops and over 400 people in attendance. Green Mountain Self Advocates (GMSA) celebrated its 20th Anniversary.

An Open House for the new Vermont Psychiatric Care Facility in Berlin will be held on July 1st at 10:00 a.m.

Vermont is one of twenty six states holding events for the World Elder Abuse Awareness Day (WEAAD) on June 15th. The NEK Vulnerable Adult Action Coalition will be hosting a tent at the downtown street festival in Lyndonville on June 13th at 6:00 p.m. For more information about this event, contact Lynn Goulding (748-5182) or Richard Leighton (745-8959). The National Center on Elder Abuse and ACL want to know if there are any other events scheduled.

Mary Woodruff has left DAIL to take another job. The Commissioner has heard the concerns from the Nutrition Directors about the need in the nutrition program, and is aware of the growing recognition of nutrition in elder health and wellness programs.

DAIL's Vision

On Tuesday, the Commissioner attended the AAA Executive Director meeting. A concern was voiced about a lack of clarity about DAIL's direction. Yesterday, the Commissioner visited Senior Solutions to obtain feedback about how to make this better. The Commissioner would like to know if the Board has any similar concerns, if there is any disconnect or lack of communication, and if there are any suggestions for improvement.

Clarification about the AAA Executive Director's meeting and some discussion took place. It is felt that the mission of DAIL is clear. Some of the challenges are with health care reform and how DAIL fits into that, multiple staff changes and reorganizations in DAIL, which makes communication difficult, and some lack of communication with providers about areas that involve them.

As previously discussed, it would be helpful if the DAIL Advisory Board, and providers, received written updates from the Commissioner prior to the DAIL Advisory Board meetings so attendees would be ready to have conversations about any updates. Not all information is necessary; however, topics about health care reform, what should be reviewed, and items that need input would be especially helpful. DAIL is working hard to get the Board agenda's out to the Board the Monday before the meeting.

Collective bargaining – Deputy Commissioner Schurr

The signing of the collective bargaining agreement was scheduled to take place at 9:00 this morning. Act 48 gave the independent direct support providers the opportunity to elect an exclusive bargaining representative (AFSCME), and once the elections took place, it has been at

the collective bargaining table. The bargaining agreement is a 2-year agreement that begins July 1, 2014. The compensation provision sets minimum hourly and daily rates for all independent direct support providers, with the first payment change effective on the first pay period after July 1st.

There is a union membership dues provision which deducts a percentage of a provider's gross pay. The amount of the deduction is not in the agreement. ARIS will need to know the union members, and also will be responsible for deducting the agency fee based on the union fee. The union is entitled to deduct up to 85% of dues membership for an agency fee. Per ARIS, there are about 7,000 people who could belong to the union. The number of individuals who have joined is unknown. However, every direct independent support worker is covered.

Board Member updates

Sandy Florsheim is the Interim Director at the Orleans/Essex VNA while they recruit for a new director.

Mike Hall has been hired for John Barbour's position at Champlain Valley Area Agency on Aging.

Last month Janet reported that in Brattleboro they had hoped to have a meeting on Alzheimer's; however, this did not happen. They are still hoping to hold this community meeting.

Janet Cramer will not be at the next DAIL Advisory Board meeting, nor will Stuart Schurr. Jim Coutts will chair the July meeting.

Results Based Accountability (RBA) – Bard Hill and Tara Grenier

(See PowerPoint)

RBA is a structured way of thinking and an action taken by communities to improve the lives of individuals, families, and the community – How much did we do?; How well did we do it?; Is anyone better off? This session, the Vermont Legislature passed bill S.293 – An Act Relating to Reporting on Population-level Outcomes and Indicators and on Program-level Performance Measures. The purpose of this bill is to require the Executive Branch to report on population-level outcomes and indicators for different areas of State government and on the Performance Measure Pilot Program in order for the General Assembly to consider data-based results in decision making.

Common pathways practice is to achieve the same outcome and know that something you did affected the outcome. No single entity or initiative can claim responsibility for the RBA results when it is a collaborative effort. Therefore, when it comes to funding based on RBA, the next measure that is looked at is the performance.

RBA is different than past initiatives that included performance accountability, such as Challenges for Change, as RBA is about doing a better job meeting outcomes with the money

that is currently available, and to justify that what is being done is making individuals' lives better.

Post-Secondary Education Initiative Panel – Jennie Masterson, DDSD; Mark Prior, SUCCEED Program, HowardCenter; Bryan Dague, CDCI/UVM Think College Grant Coordinator. (*See handout*)

The Post-Secondary Education Initiative assists young people with developmental and/or intellectual disabilities to go onto college or secondary activities. The post-secondary consortium supports each other and shares resources for children across the state. They go into the school systems together to be a part of the discussions, and are ready to pull together to do presentations when needed. Other states that have created post secondary programs for people with intellectual disabilities have parallel programs; they are not integrated like Vermont's programs.

The 2-year certificate of higher learning has existed for years within the Vermont college system. This initiative assists and supports individuals with developmental and/or intellectual disabilities to achieve this certificate.

The Succeed Program at the HowardCenter is the only program that offers a residential component. This is a Medicaid waiver funded service. During the second year of the program, due to the demand, a second house, near the first one, opened. There are now 15 residential spots available. HowardCenter staff are at the main house during the day, and they have a contracted residential advisor (a student) who lives in the house during the evening. The individuals begin the program residing in a main house and after they demonstrate independent living, they move to the apartments in back of the house with their own address/mailbox, and after they are successful there, Section 8 housing is obtained and they move to independent living.

There are four initiatives: Education; residential and independent living; campus life; and career development. Generally speaking, the community and other college students have been very open to the program. This year marks the 4th graduating class (28 students); 21 of whom are residential students.

Think College received an \$11 million, 5-year federal grant through the USDOL. It was one of 27 in the country. There is person-centered planning and support by peer mentors (there are about 15-18 mentors). Students are encouraged to get involved in school activities and be involved in at least one internship in their career of interest. Students are all issued an iPad and are taught how to use the internet safely and how to do scheduling and homework assignments on it. UVM is looking into a transition program where students can attend UVM in their final year of high school using the waiver of the Succeed Program.

All of the students at Think College are commuters, which occasionally has created some issues as when they return home, they may get treated more like a child and there are no classes in the

summer; however, many of the students have part-time or summer jobs, or may go to summer camps.

Project Search provides business-located training during the last year of high school, and one of the businesses they work with is Dartmouth-Hitchcock Medical Center. Fletcher Allen is going to use this model next year.

The post-secondary education programs are available statewide; however, there has been some difficulty with individuals from Brattleboro and Bellows Falls coming over the mountain during the wintertime. This is being explored. Every agency in state has supported employment programs. In many cases, individuals are going into jobs and are requiring fewer services.